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7	Counsel for Defendant Facebook, Inc.		
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9	UNITED STATES	DISTRICT CO	URT
10	NORTHERN DISTRI	CT OF CALIF	ORNIA
11	SAN FRANCIS	SCO DIVISION	N
12	IN RE FACEBOOK BIOMETRIC	Master Dock	et No.: 3:15-CV-03747-JD
13	INFORMATION PRIVACY LITIGATION	[PROPOSE	D] ORDER GRANTING
14		DEFENDA	NT FACEBOOK, INC.'S RATIVE MOTION TO FILE
15	THIS DOCUMENT RELATES TO:	UNDER SE	AL
16	ALL ACTIONS	Date: Time:	January 25, 2018 10:00 a.m.
17		Location:	Courtroom 11
18	FREDERICK WILLIAM GULLEN, on behalf of himself and all others similarly situated,	Hon. James 1	Donato
19	Plaintiff,	Case No. 3:1	6-cv-00937-JD
20	V.		
21	FACEBOOK, INC.,		
22	Defendant.		
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1 [PROPOSED] ORDER

Having considered defendant Facebook, Inc.'s ("Facebook") Administrative Motion to File Under Seal, the Declaration of Omry Yadan ("Yadan Declaration") and the Declaration of John Nadolenco submitted in support thereof ("Nadolenco Admin. Mot. Decl."), and all other matters presented, and having determined that compelling reasons exist for sealing this information, IT IS HEREBY ORDERED THAT:

Compelling reasons exist to file the following documents under seal because they constitute trade secret information for the below-listed reasons, see Kamakana v. City & Cty. of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006) (compelling reasons exist when "court files might have become a vehicle for improper purposes," including the release of trade secrets); and

Facebook's Administrative Motion to File Under Seal is GRANTED in its entirety.

The documents listed below shall remain under seal:

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Portions to be Sealed Reasons for Sealing Document Yadan Declaration in Page 1, line 16; Portions of paragraphs 4, 9, 11, 13-Page 2, lines 19-25; Support of Facebook's 25, 28, and 31-33 of the Yadan Page 3, lines 3-13; Declaration contain information Motion for Summary Judgment ("Yadan Page 3, lines 17-28; relating to the details of Facebook's network architecture and its facial Declaration"). Page 4, lines 1-28; recognition technology, which Page 5, lines 1-7; Facebook has designated as Page 5, lines 9-15; Page 5, lines 17-19; "Confidential" or "Highly Confidential – Attorneys' Eyes Page 6, lines 7-12; Page 6, lines 2-28; Only" pursuant to the Protective Page 7, lines 1-3; Order. Public release of this information would cause Facebook Page 7, lines 7-11; Or portions thereof. harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Further, public disclosure of information related to Facebook's network architecture and how its architecture is used in

1			connection with facial recognition
2			could put Facebook and the people
			who use Facebook at increased risk
3			of cyber attack by malicious actors.
4			Yadan Decl. ¶ 34; Nadolenco
5			Admin. Mot. Decl. ¶ 11.
	Exhibit 2 to the Yadan	Entire document	Exhibit 2 to the Yadan Declaration
6	Declaration		contains information that identifies
7	(FBBIPA_00044567).		non-party Facebook users and their
8			activities on Facebook in connection
0			with GULLEN-000001 and
9			GULLEN-000002. Facebook considers this information about its
10			users to be non-public and takes steps
11			to prevent the information from
10			becoming publicly available or
12			available to people outside of
13			Facebook. Yadan Decl. ¶¶ 28-29;
14			Nadolenco Admin. Mot. Decl. ¶ 12.
15	Exhibit 3 to Yadan the	Entire document	Exhibit 3 to the Yadan Declaration
	Yadan Declaration		contains confidential information
16	(FBBIPA_00001456).		related to both the network
17			architecture of Facebook's computer
18			systems and the way in which those systems interact with and support
19			Facebook's facial-recognition
			technology. Public release of this
20			information would cause Facebook
21			harm by providing competitors with
22			insight into how Facebook designs its computer systems and its
23			proprietary facial-recognition
24			technology. Yadan Decl. ¶¶ 34-35;
			Nadolenco Admin. Mot. Decl. ¶ 11.
25	Exhibit 4 to the Yadan	Entire document	Exhibit 4 to the Yadan Declaration
26	Declaration		describes confidential information
27		•	

1	(FBBIPA_00001456).		regarding research and development
2			work being performed by
			Facebook's Applied Machine
3			Learning ("AML") team. Public
4			release of this information would
.			cause Facebook harm by providing
5			competitors with insight into how
6			Facebook designs its computer
			systems and its proprietary facial-
7			recognition technology. Yadan
8			Decl. ¶¶ 34-35; Nadolenco Admin.
0			Mot. Decl. ¶ 11.
9	Exhibit 5 to the Yadan	Entire document	Exhibit 5 to the Yadan Declaration
10	Declaration		references proprietary and
	(FBBIPA_00027112).		confidential details about Facebook's
11			image processing system. Public
12			release of this information would
			cause Facebook harm by providing
13			competitors with insight into how
14			Facebook designs its computer
			systems and its proprietary facial-
15			recognition technology. Yadan Decl.
16			¶¶ 34-35; Nadolenco Admin. Mot.
			Decl. ¶ 11.
17	Exhibit 6 to the Yadan	Entire document	Exhibit 6 to the Yadan Declaration
18	Declaration (EDDIDA 00001756)		references proprietary and
10	(FBBIPA_00001756).		confidential details about Facebook's
19			photo tagging system. Public release of this information would cause
20			Facebook harm by providing
21			competitors with insight into how
22			Facebook designs its computer
<i></i>			systems and its proprietary facial-
23			recognition technology. Yadan Decl.
24			¶¶ 34-35; Nadolenco Admin. Mot. Decl. ¶ 11.
25	October 18, 2016	Page 128, lines 11-14;	Exhibit 1 to the Nadolenco MSJ
	Deposition Transcript of	Page 130, line 12 – page	Declaration contains excerpts from
26	Yaniv Taigman (Exhibit	133, line 25;	the October 18, 2016 deposition
27			

1	1 to the Declaration of	Page 137, lines 21 – page	testimony of Facebook's employee
2	John Nadolenco in	140, line 25;	Yaniv Taigman. Mr. Taigman
	Support of Facebook's	Page 159, line 1 – page	testified in detail about Facebook's
3	Motion for Summary	164, line 25;	network architecture, how
4	Judgment ("Nadolenco	Page 165, line 2 – page	Facebook's proprietary facial-
	MSJ Decl.")	167, line 25;	recognition technology works, and
5		Page 171, lines 14 – page	the way in which Facebook's
6		172, line 25;	computer systems interact with and
_		Page 239, lines 1-25;	support Facebook's facial recognition
7		Page 273, line 1 – page	technology. These portions of Mr.
8		274, line 11;	Taigman's deposition have been
9		Page 281, lines 2-25; Page 285, lines 1-25;	designated by Facebook as "Highly Confidential – Attorneys' Eyes Only"
		Or portions thereof	pursuant to the Protective Order.
10		or portions thereor	Public release of this information
11			would cause Facebook harm by
			providing competitors with insight
12			into how Facebook designs its
13			computer systems and its proprietary
14			facial-recognition technology. Yadan
14			Decl. ¶ 34; Nadolenco Admin. Mot.
15			Decl. ¶¶ 14-15.
16	October 26, 2017	Page 84, lines 11-25;	Exhibit 2 to the Nadolenco
	Deposition Transcript of	Page 98, line 1 – page 99,	Declaration contains excerpts from
17	Omry Yadan (Exhibit 2	line 25;	the October 26, 2017 deposition
18	to Nadolenco MSJ	Page 117, lines 1-15; Page 118, lines 12-13;	testimony of Facebook's employee Omry Yadan. Mr. Yadan testified in
10	Decl.)	Page 178, lines 12-13, Page 121, line 22 – page	detail about Facebook's network
19		122, line 3;	architecture, how Facebook's
20		Page 122, lines 11-25;	proprietary facial-recognition
21		Page 135, line 4;	technology works, and the way in
		Page 135, lines 15-25;	which Facebook's computer systems
22		Page 149, lines 5-25;	interact with and support Facebook's
23		Page 160, lines 1-25;	facial recognition technology. These
,		Page 180, lines 1-25;	portions of Mr. Yadan's deposition
24		Or portions thereof.	have been designated by Facebook as
25			"Highly Confidential – Attorneys"
26			Eyes Only" pursuant to the Protective
			Order. Public release of this
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information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶ 14- 15. Memorandum in Support of Motion for Summary Judgment. Page 3, line 20; Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information page 4, lines 19-22; Page 4, lines 23-27; contained in the Yadan Declaration,	
insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶ 14- 15. Memorandum in Support of Motion for Summary Judgment. Page 4, lines 2-13; Page 4, lines 14-18; Page 4, lines 19-22; Page 4, lines 19-22; Page 4, lines 23-27; insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 14- 15. Memorandum of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶ 14- 15. Memorandum in Support of Motion for Summary Judgment. Page 4, lines 2-13; Page 4, lines 14-18; Page 4, lines 19-22; Page 4, lines 23-27; Insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 14- 15. Memorandum in Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
proprietary facial-recognition technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶¶ 14- 15. Memorandum in Support of Motion for Summary Judgment. Page 4, lines 14-18; Page 4, lines 19-22; Page 4, lines 23-27; Proprietary facial-recognition technology. Yadan Decl. ¶¶ 14- 15. Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶¶ 14- 15. Memorandum in Support of Motion for Summary Judgment. Page 4, lines 14-18; Page 4, lines 19-22; Page 4, lines 23-27; technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶¶ 14- 15. Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶¶ 14- 15. Memorandum in Support of Motion for Summary Judgment. Page 4, lines 14-18; Page 4, lines 19-22; Page 4, lines 23-27; technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶¶ 14- 15. Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
6 Memorandum in Page 3, line 20; Pages 3-5 and 10 of Facebook's Page 4, lines 2-13; Memorandum of Law in Support of Summary Judgment. Page 4, lines 14-18; Its Motion for Summary Judgment reference or discuss the information Page 4, lines 23-27; contained in the Yadan Declaration,	
Memorandum in Support of Motion for Summary Judgment. Page 3, line 20; Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment Page 4, lines 19-22; Page 4, lines 23-27; Page 4, lines 23-27; Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
Memorandum in Support of Motion for Summary Judgment. Page 3, line 20; Pages 3-5 and 10 of Facebook's Memorandum of Law in Support of its Motion for Summary Judgment reference or discuss the information page 4, lines 23-27; Page 4, lines 23-27;	
Summary Judgment. Page 4, lines 14-18; its Motion for Summary Judgment reference or discuss the information contained in the Yadan Declaration,	
Page 4, lines 19-22; reference or discuss the information contained in the Yadan Declaration,	
Page 4, lines 23-27; contained in the Yadan Declaration,	
Page 5, lines 1-4; the exhibits Facebook seeks to seal,	
Page 5, lines 6-16; and the confidential deposition Page 10, lines 12-24; testimony of Omry Yadan and Yaniv	
Page 10, lines 12-24; testimony of Omry Yadan and Yaniv Or portions thereof. Taigman. Public release of this	
12 information would cause Facebook	
harm by providing competitors with	
insight into how Facebook designs its	
computer systems and its proprietary	
facial-recognition technology. Yadar	
Decl. ¶ 34: Nadolenco Admin. Mot.	
16 Decl. ¶¶ 18-19.	
Supplemental Brief in Page 2, lines 1-3; Pages 2, 4, and 5 of Facebook's	1
Support of Motion for Page 2, lines 4-5; Supplemental Brief in Support of	
Summary Judgment in Page 2, lines 7-10; Motion for Summary Judgment in	
19 Gullen v. Facebook, Page 2, lines 17-18; Gullen v. Facebook, Inc., No. 3:16-	
Inc., No. 3:16-CV-Page 2, lines 21-22; CV-00937-JD reference or discuss	
Page 4, lines 19-25; the information contained in the	
Page 5, lines 11-16; Yadan Declaration, the exhibits	
Or portions thereof. Facebook seeks to seal, the	
confidential deposition testimony of	
Omry Yadan and Yaniv Taigman,	
24 and material designated by plaintiffs as "Confidential.". Public release of	
25 this information would cause Facebook harm by providing	
26 competitors with insight into how	
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1 2 3 4	Deposition testimony of	Entire document	Facebook designs its computer systems and its proprietary facial-recognition technology. Yadan Decl. ¶ 34; Nadolenco Admin. Mot. Decl. ¶¶ 18-19. Deposition testimony designated by
5	plaintiff Frederick	Entire document	plaintiffs as "Confidential."
6	Gullen dated October		Nadolenco Decl. ¶¶ 21, 22.
7	25, 2017 (Exhibit 7 to Nadolenco Decl.)		
8	Nadolelico Deci.)	<u> </u>	
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	IT IS SO ORDERED.		
10 11	DATED:		
12	3		Honorable James Donato
13			United States District Judge
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